

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CR No. 05-1849 JH
)
DANA JARVIS, et al.,)
)
Defendants.)

**UNOPPOSED MOTION TO CONTINUE *JAMES*
HEARING CURRENTLY SCHEDULED FOR JANUARY 26, 2009**

The United States hereby moves the Court for a continuance of the *James* Hearing currently scheduled for January 26, 2009 and in support of its motion states as follows:

1. On January 6, 2009, Mark Chouinard, counsel for defendant George Osgood (“Osgood”) filed a motion to withdraw due to an unwaivable conflict of interest in this case. (Doc. 1496). At this time, new counsel has not been appointed for Osgood.
2. Because Osgood is without conflict-free counsel, a *James* hearing cannot currently be held as to Osgood. Moreover, it would be a waste of judicial resources to hold multiple *James* hearings. Therefore, the United States requests that the *James* hearing be continued until new counsel has been appointed for Osgood and that counsel has had sufficient time to prepare for the hearing.
3. Counsel for the remaining co-defendants join in this motion.

WHEREFORE, the United States respectfully requests that the Court grant a

continuance of the *James* hearing presently scheduled for January 26, 2009.

Respectfully submitted,

GREGORY J. FOURATT
United States Attorney

/s/ James R.W. Braun

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of January, 2009, I filed the foregoing pleading electronically through the CM/ECF system, which is designed to cause counsel of record for the defendants to be served by electronic means.

/s/ James R.W. Braun

JAMES R.W. BRAUN
Assistant U.S. Attorney